

S.B. Civil Contempt Petition No.10/2005

Narendra Kanwar and anr. vs. Gajendra singh

Date : 1.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. MS Panwar, for the petitioners.

Mr. AK Rajvanshy, for the respondent.

- - - - -

Heard learned counsel for the parties.

According to learned counsel for the petitioners, this Court vide order dated 21.5.2004 directed both the parties to maintain status quo with respect to the property in dispute. It is alleged that the respondent despite this order of this Court, destroyed the boundary wall and removed some trees from the spot. The petitioners also placed on record the photographs.

The facts alleged by the petitioners have been denied by the respondent.

I have considered the submissions of learned counsel for the parties and have perused the record also.

The order to maintain status quo can have force with reference to the subject matter of the dispute and the nature of the relief claimed. Minor acts here and there which have no effect on the subject matter or right to

parties cannot be termed to be willful disobedience of this Court's order. So far as removal of boundary is concerned, it has been denied by respondent and so far as removal of trees in fact bushes is concerned, the same has also been denied.

After going through the photographs placed on record, I am of the firm opinion that no case of willful disobedience of this Court's order is made out.

In view of the above, this contempt petition, having no force, is hereby dismissed. Notices are discharged.

(PRAKASH TATIA), J.

S.Phophaliya